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Committee on the Rights of Persons with Disabilities

Eleventh session

Summary record of the 123rd meeting
Held at the Palais des Nations, Geneva, on Monday, 31 March 2014, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

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The meeting was called to order at 3.15 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention

Initial report of Sweden (CRPD/C/SWE/1; CRPD/C/SWE/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Sweden took places at the Committee table.*

2. **The Chairperson** announced that Mr. Langvad, who had been chosen to act as Country Rapporteur for Sweden, would be replaced by Ms. Pavey and Mr. Lovaszy.

3. **Ms. Jenryd** (Sweden) said that Sweden was committed to guaranteeing persons with disabilities the full enjoyment of fundamental rights and freedoms and access to public life on an equal basis with others, irrespective of their age and gender. That determination underpinned the National Strategy for 2011–2016, which was based on the Convention and comprised sectoral targets and sub-targets to which several ministries had contributed. Sweden had long been striving to promote equal opportunities. Its comprehensive State system of social protection ensured access to education and health care for all, and its Constitution specifically prohibited discrimination on the basis of disability. Sweden thus recognized the fundamental right of persons with disabilities to enjoy the same rights as others under the law, rights such as the right to life, freedom and security of the person, the right to freedom from torture, violence and abuse and respect for home and the family.

4. Since the drafting of the report, which had been done in close collaboration with disabled persons' organizations, additional progress had been made. Just recently, the Government had submitted a bill aimed at defining a refusal to provide reasonable accommodation as an act of discrimination. If approved by Parliament, that legal text would be applied from 1 January 2015 in areas such as employment, education, social security, business management and military service. Employment, which was such a crucial factor in being able to attain self-sufficiency and participate in social life, remained a problematic issue, particularly for persons with reduced capacity to work and for women with disabilities. From 2008 to 2013, the number of job seekers within the first group had doubled, in large part due to a policy on the return to working life led by the Public Employment Service. The Government had recently adopted a series of measures aimed at improving the chances of obtaining a job, such as increased funding for the purchase of adapted professional equipment and reduced social security contributions for businesses employing persons with disabilities. For persons with mental disabilities, who were the most at risk of unemployment, the initiatives taken by the Government, such as granting subsidies to municipalities and rehabilitation measures, as well as information campaigns by the Swedish Agency for Disability Policy Coordination (Handisam) and by the Public Employment Service, had helped many such persons to improve their career prospects.

5. In the field of education, inclusion was a fundamental value; only 1.5 per cent of children and adolescents with disabilities received their education in specialized establishments. The Government had just submitted a bill aiming to guarantee children with disabilities the necessary assistance for their schooling and requiring municipalities, which were largely responsible for school and preschool instruction, to allocate resources on the basis of the capacities and needs of pupils. Furthermore, since there was minimal coordination of assistance and support for young persons with disabilities, the Government had tasked the National Board of Health and Welfare with developing a national model on the matter. While the number of beneficiaries of support had remained stable since 2010, the number and cost of hours of support per person were on the increase and likely to remain so. Measures had been adopted to reinforce the competences of municipal officials with decision-making powers under the Act on Support and Services for Persons with Certain Functional Impairments (LSS).

6. Sweden was resolved to respect its obligations concerning the recognition of the legal personality and capacity of persons with disabilities. Declarations of legal incapacity had been abolished in 1989, replaced by the appointment, by judicial decision, of administrators or special representatives. Persons with disabilities could also appoint a representative themselves. With regard to their participation in public and private life, persons with disabilities were eligible for assistance from polling officers, where necessary, so that they could carry out their civic duty. In view of the very worrying and long ignored problem of violence towards women with disabilities, the National Board of Health and Welfare had prepared a brochure to raise awareness among the professionals concerned and to give them the means to assist victims.

Articles 1 to 10

7. **Mr. McCallum** noted that the State party was a leader in defending the rights of persons with disabilities. He expressed concern about the forthcoming parliamentary review of a bill exonerating companies with fewer than 10 employees from their obligation of reasonable accommodation, in violation of article 5 of the Convention.

8. **Ms. Mulligan** asked what other measures had been taken to combat the multiple forms of discrimination, in particular against minority women with disabilities.

9. **Mr. Ríos Espinosa** asked whether the State party could provide statistics on the number of persons with disabilities among the Roma and Saami populations and whether it had taken specific measures with a view to their inclusion in society.

10. **Mr. Tatić**, referring to paragraph 22 of the State party's responses, asked if the sickness insurance system could be modified so as to stem unemployment among persons with disabilities. He requested an update on what progress had been made with respect to the exercise of the rights of persons with disabilities. He asked for further information on the mechanisms designed to ensure accessibility and on the sanctions applicable in the event of non-compliance. He also enquired about the means of promoting accessibility through public procurement procedures.

11. **Ms. Degener** wanted to know whether measures had been taken to combat the various forms of discrimination. Concerned by the new law on education, which allowed certain pupils to be refused schooling on economic or organizational grounds, she asked how many children had suffered the consequences since 2011, when the legal text had been adopted.

12. **Mr. Ben Lallahom** asked what were the main improvements to be carried out and the major priorities for future action by the State party.

13. **Ms. Peláez Narváez** enquired about how the legislation dealt with children with disabilities and how access to the educational system was ensured for deaf-mute children.

14. **Ms. Quan-Chang** asked whether the State party intended to standardize its definition of disability so that all persons with disabilities might be able to benefit from the protection and assistance provided by the law.

15. **Mr. Buntan** enquired about the way in which the State party intended to eliminate the local and regional disparities evident in the services provided to persons with disabilities, while continuing with its decentralization policy.

16. **Mr. Al-Tarawneh**, suggesting that the use of sickness insurance to reduce the number of unemployed persons with disabilities might be perceived as welfare dependency, asked if other means could be considered.

17. **The President**, speaking as a member of the Committee, enquired about the reasons for the increase in the suicide rate among persons with disabilities and the measures taken by the State to address the issue.

18. **Ms. Pavey** (Country Rapporteur), identifying gaps in the harmonization of the national legislation with the Convention and in the indicators for monitoring the implementation of the Convention, asked for more details on those subjects, as well as on the structure of decision-making in the educational sector.

The meeting was suspended at 4 p.m. and resumed at 4.20 p.m.

19. **Mr. Schölin** (Sweden) said that after extensive consultations with private and State actors, it had been decided to exempt businesses with fewer than 10 employees from the requirement to provide reasonable accommodation due to the costs involved, which were very difficult for small businesses to afford. The Equality Ombudsman, whose post had been set up in 2009 after the Discrimination Act had come into force, was responsible for receiving and dealing with complaints from individuals who had been victims of multiple discrimination and for ensuring that the Discrimination Act was enforced at the national level. The definition of disability as laid out in the Discrimination Act, namely any *permanent* physical, mental or intellectual limitation, was in compliance with the relevant European Union directives. Sweden did not have statistical data on the number of persons with disabilities among national minorities, but regular consultations between national authorities and representatives of minorities had not revealed any problems of discrimination towards that population group.

20. **Ms. Martensson** (Sweden) said that the Saami had a special status under the Constitution, which guaranteed them the right to self-determination. The information put forward by UN Enable (that national minorities were victims of discrimination and overrepresented among persons with disabilities) were not corroborated by any concrete evidence, and the Swedish authorities had not noted any difference in treatment between the Saami and other groups or any form of discrimination or overrepresentation. However it was true that the suicide rate among reindeer herders was higher than the average, which was why the authorities had begun discussions with representatives of the Saami to identify risk factors and take the appropriate preventive measures.

21. **Mr. Nilsson** (Sweden) said that the Strategy for the Implementation of Disability Policy, 2011–2016, focused on nine areas: the labour market, social policy, education, transport, information communication technology, improvement of physical accessibility, legal framework, health and culture and media and sport. The Ministry responsible for monitoring the implementation of the Convention regularly consulted disabled persons' organizations to discuss progress that must be made. The results of those consultations were examined once a year with Handisam, which oversaw the implementation of policy for persons with disabilities. Moreover, indicators enabling the effectiveness of local policies for persons with disabilities in the areas of the labour market and social policy to be assessed had been defined. Handisam had set up an advisory committee on disability, in partnership with the three main agencies that dealt with those issues, for the purpose of organizing thematic discussions on ways of taking greater account of the needs of persons with disabilities.

22. **Mr. Hjalmarsson** (Sweden) said that the Planning and Building Act contained provisions on arrangements that needed to be made and barriers that needed to be eliminated in order to make public and private buildings accessible for persons with reduced mobility. If accessibility standards were not respected, the municipalities responsible for enforcing the Act could fine offenders, a fine that was paid directly to them, giving them motivation to enforce the Act. The municipalities themselves needed to have made the necessary arrangements before demanding that businesses did the same. To that end, the new Planning and Building Ordinance, adopted in 2011, aimed to facilitate the task of municipalities by providing them with advice and support in improving accessibility, under the direction of the National Board of Housing, Building and Planning.

23. **Mr. Falkendahl** (Sweden) said that when public contracts were awarded, the needs of persons with disabilities were taken into account in keeping with the relevant European

Union directives. The new directives that would soon come into force would impose on member States the obligation, when deciding to award public contracts, to apply several criteria related to accessibility for and recruitment of persons with disabilities, in particular with regard to sheltered workshops.

24. **Mr. Ahlquist** (Sweden) said that students with disabilities had access to both municipal schools and "independent" schools. However, municipal schools could reserve the right to refuse to accept a student when the very high level of care required would result in costs considered excessive for the municipality. However, the new Education Act now stipulated that independent schools could not refuse to accept a child with a disability if the municipality paid for the extra costs of the child's education and that decisions in that area were subject to appeal. Another draft regulation pertaining to education stipulated that everything must be done to ensure that students with disabilities received instruction on an equal basis with other students, including by offering them individual support to enable them to overcome obstacles linked to their disability and by making the necessary funds available for that purpose. In 2013, a national coordinator had been appointed to provide guidance to members of the school staff who worked with students with a hearing or speech impediment. The coordinator was responsible in particular for assessing the needs of schools and recommending that State subsidies be granted in order to provide specialized equipment and support services for students with disabilities. In 2014, tactile reading materials and reading materials in Braille were to be introduced for students with visual impairments in order to adapt the school environment to their needs.

25. **Ms. Ekman Aldén** (Sweden) said that children with disabilities had the opportunity to express their views on all decisions which, in view of their age and level of maturity might affect them, the best interests of the child being the primary consideration. Particular attention was paid to children with communication disorders.

26. **Ms. Zetterberg Ferngren** (Sweden) said that under the action plan on mental health, a number of measures had been adopted to reduce the risk of suicide among persons with a mental illness, using a multidisciplinary approach that included combating drug addiction, preventive measures and capacity-building for health-care staff.

27. **Ms. Jenryd** (Sweden) said that, due to the decentralization of administrative functions in Sweden, responsibility for enforcing domestic legislation and ordinances had devolved to counties and municipalities, which had to allocate the necessary funding.

28. **Mr. Jansson** (Sweden) explained that, in order to encourage municipalities to comply with standards of accessibility for public transport, the authorities conducted comparative analyses of facilities in different municipalities. Those analyses, which were made public, fostered competition between the municipalities, which were encouraged to do everything necessary to ensure that all of their facilities and vehicles complied with accessibility regulations.

Articles 11 through 20

29. **Mr. McCallum** said that he wished to know more about the State party's efforts to modernize Swedish legislation on guardianship and thereby, to bring it more closely into line with the provisions of article 12 of the Convention.

30. **Ms. Mulligan** asked whether the State party intended to revise its legislation on disability and involuntary treatment.

31. **Mr. Ríos Espinosa** asked what types of reasonable accommodation were available to permit persons with disabilities to do jury duty. Furthermore, he wished to know whether a person with a disability could be subjected to life imprisonment and, if so, whether there had already been such cases.

32. **Mr. Tatić** inquired as to the number of buildings for which construction permits had been refused as a result of non-compliance with accessibility standards. He asked precisely

what constituted the "significant difficulties" that a school could cite in order not to provide required assistance to a student. Clarifications would also be useful regarding the increase since 2008 in the number of requests for assistance that were rejected, the redefined notion of "basic needs", the impact of austerity measures on support services, notably personal support services, and the steps taken by the State party to enable persons with disabilities to live independently in society.

33. **Mr. Lovaszy** asked about the difference between an administrator and an assistant, particularly in terms of their specific competences. With respect to substitute decision-making, he wished to know whether a person with a disability could decide on his or her own account to forego the services of an administrator or assistant and, if so, how the person would do so. The delegation was requested to clarify whether a judge could refuse a request by a person with a disability for sign-language interpretation.

34. **Ms. Peláez Narváez** wished to know the number of girls and women with disabilities subjected to female genital mutilation. She also wished to know whether the State party had implemented a policy on reparations for persons subjected to forced sterilization.

35. **Mr. Kim** Hyung Shik asked for clarification on measures taken by the State party to address the decrease in the number of persons with disabilities benefiting from personal support services.

36. **Ms. Degener** asked about progress with the State party's planned inquiry into the availability and quality of language and sign-language interpretation services in order to assess the status of accessibility for deaf people.

37. **Mr. Al-Tarawneh** asked whether it was true that migrants with disabilities had not been authorized to settle in the State party on the grounds of a disability.

38. **Mr. Buntan** asked whether the State party anticipated taking persons with disabilities into consideration in legislation and national policies relating to humanitarian emergencies and disaster risk reduction. He asked whether persons with psychosocial disabilities could still be subjected to electroshock treatment in Sweden. Furthermore, he asked whether it was true that persons with disabilities were prevented from choosing where and with whom they lived because of their disability and, if so, what the State party was doing to address the issue.

39. **The Chairperson**, speaking as a member of the Committee, inquired about the measures taken by the State party, on the one hand, to end mistreatment of persons with disabilities in psychiatric institutions and, on the other hand, to address insufficiencies in the mental health care provided.

The meeting was suspended at 5.25 p.m. and resumed at 5.40 p.m.

40. **Mr. Nilsson** (Sweden) explained that benefits for support services allowed for an unlimited number of hours of personal support. The benefits were paid directly to the beneficiaries, who could then obtain the required support, either from service providers they themselves hired, or from their community, a company or a cooperative. Personal support and associated expenditures were the responsibility of the State and the communities, which funded care for the first 20 hours.

41. **Ms. Löfstrand** (Sweden) pointed out that Sweden did not bar persons with disabilities from settling in the national territory on the grounds of a disability. Legislation on foreign nationals stipulated that they could be granted a residence permit, especially when a comprehensive assessment of their situation, including their health (the potential degree of the disability and the potential for receiving adequate care their country of origin), pointed to an exceptionally difficult situation.

42. **Ms. Jenryd** (Sweden) said that persons subjected to forced sterilization in the twentieth century were eligible for compensation by the State in the amount of 175,000 Swedish krona.

The meeting rose at 5.55 p.m.